



# Iowa Ethics and Campaign Disclosure Board

## Complaint and Hearing Procedures

# Filing a complaint

- ◆ Any person may file a complaint or provide the Board with information alleging a violation in accordance with Iowa Code 68B.32B and the Board's rules in 351-Chapter 9.
  - Formal complaints must be filed via an official complaint form; or
    - [\(link to blank official complaint form\)](#)
  - Information alleging a violation may be provided in writing (by letter or email) or orally. Persons may provide such information anonymously or by requesting confidential status.

# Review by Board

- ◆ The Board will review the complaint or information at its next meeting. The Board generally meets every two or three months.
- ◆ The Board will make a decision whether to investigate the matter, based solely on the facts alleged in the complaint or information provided.
- ◆ If the Board declines to investigate, the matter will be closed unless new information is provided.

# Investigation

- ◆ If the Board decides to investigate, the investigation will be conducted by the Board's staff.
- ◆ Investigations will vary in length of time depending on the nature of the matter and the Board's workload.
- ◆ Upon completion of an investigation, the staff will make a report to the Board and may provide a recommendation for Board action.

# Action by Board

*The Board may decide to act in one of five ways:*

- ◆ A) Redirect the matter for further investigation.
- ◆ B) Dismiss the case for lack of probable cause to believe a violation has occurred.
- ◆ C) Dismiss the case without a determination regarding probable cause as an exercise of administrative discretion.

# Action by Board

## *Possible actions, continued:*

- ◆ D) Determine that probable cause exists to believe a violation has occurred and direct administrative resolution of the matter; either by directing that the person take specified remedial action or issuing a letter of reprimand or issuing an admonishment to exercise care in the future without official sanction.
- ◆ E) Determine that probable cause exists to believe a violation has occurred and direct the issuance of a statement of charges and notice of hearing for a contested case proceeding.

# Resolution of Matter

- ◆ If the case is dismissed, the matter is closed unless new information is provided.
- ◆ If remedial action is ordered, the person may either accept the resolution or request a contested case proceeding to challenge the Board's order, within 30 days of being notified of the Board's decision.

# Contested Case Proceeding and Settlement

- ◆ If a contested case proceeding is held, the person may either propose a settlement or provide a defense at the hearing.
- ◆ If a settlement is agreed to between the person and the Board's Counsel, the Board must approve the settlement or the matter will go back to a hearing.



# Decision of Board

- ◆ After the hearing, the Presiding Officer will determine whether a violation has occurred and will enter a proposed decision. Both parties have the right to submit proposed decisions for the Presiding Officer to consider.
- ◆ After a proposed decision is entered, either party may file exceptions to that decision.
- ◆ The Board will then review the proposed decision and may approve, modify, or send the decision back to the Presiding Officer to hear again.

# Appealing the Decision

- ◆ Either party may request the Board to reconsider the decision.
- ◆ Either party may appeal the Board's decision to district court pursuant to Iowa Code sections 68B.33 and 17A.19.
- ◆ The Board may seek enforcement of an order by the court if the Board's order is not followed.